

REMARKS

The above claim amendments are submitted along with the following remarks to be fully responsive to the Official Action mailed January 4, 2005. It is further submitted that this response is timely filed within the shortened-statutory period commencing from such mailing date. Reconsideration of all outstanding grounds of rejection and allowance of the subject application are respectfully requested.

In the Official Action, claims 1 - 20, 27 and 31 are rejected under 35 USC 112, second paragraph, as being indefinite. In particular, independent claim 1 and dependent claims 3, 4, 6 - 8, 11 - 17, and 19 were considered indefinite as to whether the claimed method is directed to a method of creating 1) an enclosed space or 2) an enclosed space and a preexisting structure.

In response, Applicants assert that what is claimed is neither one or the other exclusively from the other, but instead is a method of creating an enclosed space (at least partially), wherein the enclosed space is based upon the use of structural elements of preexisting structure. As set out in the subject specification on page 12, lines 9 - 27, such preexisting structure can have any number of structural components that themselves may be of a permanent or temporary nature. In any case, claim 1 sets out the use of at least a first surface of a first structural element of a preexisting structure and a second surface of a second structural element of the preexisting structure in creating an enclosed space. That is, the enclosed space is positively based upon the attaching of a barrier sheet to two different surfaces of a preexisting structure. As such, the method of claim 1 recites positive steps of creating an enclosed space (at least partially) by attaching a barrier sheet to first and second surfaces of preexisting structure. Whereas claim 1 is not directed to the enclosed space, per se, or to a physical combination of elements including preexisting structure, but instead is a method of creating an enclosed space from a barrier sheet as combined with preexisting structure, it is submitted that claim 1 is definite. To emphasize this, claim 1 is amended in the preamble to recite that the enclosed space is based at least in part on structural elements of preexisting structure. Withdrawal of the section 112, second paragraph, rejection on this basis is believed proper and respectfully requested.

Also, under section 112, second paragraph, other phrases were objected to within claims 16, 17, 27 and 31 as being indefinite. It is submitted that the amendments presented by this response to each of these claims in question overcome each point of indefiniteness raised by the

Examiner. Accordingly, withdrawal of the section 112, second paragraph, rejections of these claims is also believed proper and respectfully requested.

As to the prior art rejections of record, it is submitted that presently amended independent claims 1, 21 and 34 are patentably distinct over the prior art for at least the reasons set out below.

Independent claims 1 and 34 are rejected under the Backberg '743 reference as being anticipated. In this regard, the Examiner notes the barrier sheets 10 of Backberg as applied to a structural member by a holding system including adhesive 26 provided along edge and intermediate zones.

In reviewing the Backberg disclosure, the panel 10 comprises a decorative finish layer 14 of wood or the like that is attached to a wall surface by the adhesive 26 on the other side. The panel 10 is adhered to one wall surface by adhesive covering the back surface of the panel. In comparison to the presently claimed method, such a method of paneling a wall cannot be read on claims 1 or 34.

Claim 1 requires the step of attaching a barrier sheet to plural different surface as provided on preexisting structure. As emphasized by the current claim amendments, the barrier sheet is attached to a first surface of a first structural element of the preexisting space and then to a second surface of a second structural element of the preexisting space. Clearly, such distinguishes from adhering a panel to one surface of one structural element, a wall. Claim 1 requires the attachment to surfaces of plural distinct (first and second) structural elements. As described in the subject specification on page 12, lines 9 -27, page 13, lines 5 - 10, page 14, lines 21 - 26, in particular, and elsewhere in the subject specification, a barrier sheet is attached along intermediate and edge zones of one major surface to at least one of such plurality of structural components in order to create at least a partial enclosed space. Backberg is completely deficient on this claimed concept. As such, it is submitted that claim 1 is patentably distinct from the Backberg wall panel.

Claim 34 claims the enclosure as it comprises working and non-working surfaces, which, as emphasized by the present amendments, are provided on first and second structural elements. No such distinct surfaces are described in Backberg, and no enclosure is provided as claimed comprising a flexible barrier sheet that together with the working surface provides at least part of an enclosure. Thus, it is also submitted that independent claim 34 is patentably distinct from the Backberg reference.

All claims 1 - 37 are rejected under 35 USC 103 and being obvious over the Griffis '512 reference taken in view of Macormack '743. The Examiner recognizes that the Griffis disclosure is deficient as to any use of adhesive in any way for creating an enclosure out of at least one sheet material. It is also important to note that the Griffis reference, although used as an isolation enclosure for decontamination, is directed to surrounding a ground patch for ground abatement and in no way suggests creating an enclosure within preexisting structure, which preexisting structure includes any surface that can be characterized as a working surface such as for abatement of a physical material. It is understood that this distinguishing point is most relevant to the claimed limitations of independent claims 21 and 34.

The reference to Macormack is relied upon for allegedly disclosing a use of adhesive for attaching barrier sheets to structural elements at end and intermediate zones. However, this is not seen in the Macormack reference, which only teaches the use of an adhesive tape 14 that is used to seal the gap between two adjacent panels 12, as shown in Fig. 3 and described in column 4, lines 47 - 56 and column 5, lines 71 - 74. Macormack discloses nothing more than using a tape strip adhered to adjacent panel edges to seal the gap between them. How does a disclosure of taping panel edges together provide a teaching to modify the Griffis enclosure to come up with the subject matter of claims 1, 21 and 34? At most, Macormack would teach that the Griffis enclosure could be made up of multiple fabric pieces that can be connected together by tape along adjacent edges. That has nothing to do with how even such fabric pieces are to be attached to structural elements of preexisting structure to create the enclosure. Claim 1 is believed patentably distinct at least in reciting a barrier sheet attached to plural distinct structural elements by an adhesive holding system with edge and intermediate adhesive zones secured to at least one structural element. Claims 21 and 34 further distinguish in the recitation of enclosure features, either by method step or claimed structure, that include working and non-working surfaces as part of an enclosure. Accordingly, independent claims 1, 21 and 34 are believed novel and unobvious over the Griffis and Macormack references alone or in combination with one another.

Accordingly, it is submitted that presently pending claims 1-37 are currently in condition for allowance, a notice of which is earnestly solicited. If the Examiner finds any issue remaining

after consideration of this response, the Examiner is invited to contact the undersigned, at the Examiner's convenience, in order to expedite any remaining prosecution.

Respectfully Submitted,

Dated: April 4, 2005

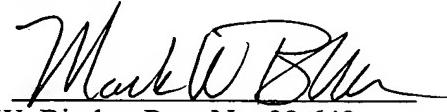
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